



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,026	11/20/2001	Gunter Halmschlager	VO10214.US	6136

7590

06/04/2003

Todd A. Taylor
TAYLOR & AUST, P.C.
142 S. Main St.
P.O. Box 560
Avilla, IN 46710

EXAMINER

CHIN, PETER

ART UNIT

PAPER NUMBER

1731

10

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,026

Applicant(s)

HALMSCHLAGER ET AL.

Examiner

Peter Chin

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 is/are allowed.
- 6) ☒ Claim(s) 1-37 and 39-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. In view of Applicant's remarks, the informalities noted in regard to the specification are hereby withdrawn.
2. Claim 38 is allowed.
3. Claims 1-7,28-34 and 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jansson (6,379,503).

In addition to the reasons given in the First Office Action, Paper No.6, the following is noted in regard to the newly added limitations:

Figure 2, pneumatic device 47 by virtue of its tapered end will inherently clamp the shaped part to the support piece that the pneumatic pressure acts to clamp the support piece and shaped part in both the orthogonal and machine direction. The claims do not structurally and patentably differentiate the claimed support piece from the support element represented by element 31 Jansson.

4. Claims 1-24,26-37,39-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiel (5,486,270), Sennett et al (4,559,105), Evalahti (3,953,284) or Reynolds et al (3,576,716).

In addition to the reasons given in the First Office action, the following is noted: Inspection of the figures in each of the prior art references shows that the clamping means serves to clamp the support piece and the shaped part which act on the support piece in both the machine direction and orthogonal to the machine direction. There is insufficient structure in regard to the support piece, shape part and the clamp and the

structural relationship between these elements to patentably define over the above noted prior art.

5. Claims 1-37 and 39-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4319311.

DE 4319311 shows a shaped part (1) and carrier or support body (2), clamping means 3 and 4 are shown in Figures 1 and 2 (also 3a and 3b) respectively. Other embodiments are shown in Figures 4-16. In each Figure, clamping means act and are in contact between the shaped part and support body. Thus DE 4319311 obviously shows the claimed invention.

6. The references cited in the IDS submitted by Applicant on 1-21-2003, Paper No. 8 have been considered. Note that only the references not previously of record have been considered.

7. Applicant's arguments have been considered but are deemed unpersuasive of patentability. The presently rejected claims are open to various elements that form the support and shaped parts in the prior art as noted above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Application/Control Number: 09/997,026

Page 4

Art Unit: 1731

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

A handwritten signature in black ink, appearing to read 'Peter Chin', with a long horizontal flourish extending to the right.

Peter Chin
Primary Examiner
Art Unit 1731